



General Assembly

Amendment

February Session, 2012

LCO No. 3575

SB0011103575SR0

Offered by:
SEN. SUZIO, 13th Dist.

To: Subst. Senate Bill No. 111

File No. 404

Cal. No. 294

***"AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO
A VULNERABLE USER OF A PUBLIC WAY."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 14-66 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) (1) No person, firm or corporation shall engage in the business of
6 operating a wrecker for the purpose of towing or transporting motor
7 vehicles, including motor vehicles which are disabled, inoperative or
8 wrecked or are being removed in accordance with the provisions of
9 section 14-145, 14-150 or 14-307, unless such person, firm or
10 corporation is a motor vehicle dealer or repairer licensed under the
11 provisions of subpart (D) of this part. (2) The commissioner shall
12 establish and publish a schedule of uniform rates and charges for the
13 nonconsensual towing and transporting of motor vehicles and for the
14 storage of motor vehicles which shall be just and reasonable. Upon
15 petition of any person, firm or corporation licensed in accordance with

16 the provisions of this section, but not more frequently than once every
17 two years, the commissioner shall reconsider the established rates and
18 charges and shall amend such rates and charges if the commissioner,
19 after consideration of the factors stated in this subdivision, determines
20 that such rates and charges are no longer just and reasonable. In
21 establishing and amending such rates and charges, the commissioner
22 may consider factors, including, but not limited to, the Consumer Price
23 Index, rates set by other jurisdictions, charges for towing and
24 transporting services provided pursuant to a contract with an
25 automobile club or automobile association licensed under the
26 provisions of section 14-67 and rates published in standard service
27 manuals. The commissioner shall hold a public hearing for the purpose
28 of obtaining additional information concerning such rates and charges.
29 (3) With respect to the nonconsensual towing or transporting and the
30 storage of motor vehicles, no such person, firm or corporation shall
31 charge more than the rates and charges published by the
32 commissioner. Any person aggrieved by any action of the
33 commissioner under the provisions of this section may take an appeal
34 therefrom in accordance with section 4-183, except venue for such
35 appeal shall be in the judicial district of New Britain.

36 (b) The commissioner, or an inspector authorized by the
37 commissioner, shall examine each wrecker, including its number,
38 equipment and identification, and shall determine the mechanical
39 condition of such wrecker and whether or not it is properly equipped
40 to do the work intended. A wrecker shall be deemed properly
41 equipped if there are two flashing yellow lights installed and mounted
42 on such wrecker that (1) show in all directions at all times, and (2)
43 indicate the full width of such wrecker. Such lights shall be mounted
44 not less than eight feet above the road surface and as close to the back
45 of the cab of such wrecker as practicable. Such lights shall be in
46 operation when such wrecker is towing a vehicle and when such
47 wrecker is at the scene of an accident or the location of a disabled
48 motor vehicle. In addition, each wrecker shall be equipped with a spot
49 light mounted so that its beam of light is directed toward the hoisting

50 equipment in the rear of such wrecker. The hoisting equipment of each
51 wrecker shall be of sufficient capacity to perform the service intended
52 and shall be securely mounted to the frame of such vehicle. A fire
53 extinguisher shall be carried at all times on each wrecker which shall
54 be in proper working condition, mounted in a permanent bracket on
55 each wrecker and have a minimum rating of eight bc. A set of three
56 flares in operating condition shall be carried at all times on each
57 wrecker and shall be used between the periods of one-half hour after
58 sunset and one-half hour before sunrise when the wrecker is parked on
59 a highway while making emergency repairs or preparing to pick up a
60 disabled vehicle to remove it from a highway or adjoining property.
61 No registrant or operator of any wrecker shall offer to give any
62 gratuities or inducements of any kind to any police officer or other
63 person in order to obtain towing business or recommendations for
64 towing or storage of, or estimating repairs to, disabled vehicles. No
65 licensee shall require the owner to sign a contract for the repair of such
66 owner's damaged vehicle as part of the towing consideration or to sign
67 an order for the repair of, or authorization for estimate until the tow
68 job has been completed. No licensee shall tow a vehicle in such a
69 negligent manner as to cause further damage to the vehicle being
70 towed.

71 (c) Each wrecker used for towing or transporting motor vehicles
72 shall be registered as a wrecker by the commissioner for a fee of one
73 hundred twenty-five dollars. Each such registration shall be renewed
74 biennially according to renewal schedules established by the
75 commissioner so as to effect staggered renewal of all such
76 registrations. If the adoption of a staggered system results in the
77 expiration of any registration more or less than two years from its
78 issuance, the commissioner may charge a prorated amount for such
79 registration fee.

80 (d) An owner of a wrecker may apply to the commissioner for a
81 general distinguishing number and number plate for the purpose of
82 displaying such number plate on a motor vehicle temporarily in the
83 custody of such owner and being towed or transported by such owner.

84 The commissioner shall issue such number and number plate to an
85 owner of a wrecker (1) who has complied with the requirements of this
86 section, and (2) whose wrecker is equipped in accordance with
87 subsection (b) of this section. The commissioner shall charge a fee to
88 cover the cost of issuance and renewal of such number plates.

89 (e) With respect to the nonconsensual towing or transporting of a
90 motor vehicle, no licensee may tow or transport a vehicle to the
91 premises of any person, firm or corporation engaged in the storage of
92 vehicles for compensation unless such person, firm or corporation
93 adheres to the storage charges published by the commissioner.

94 (f) The provisions of this section shall not apply to [: (1) Any] any
95 person, firm, [or] corporation [licensed as a motor vehicle dealer under
96 the provisions of subpart (D) of this part, towing] or association: (1)
97 Towing or transporting a motor vehicle, [for salvage purposes,]
98 provided such person, firm or corporation is licensed as a motor
99 vehicle dealer under the provisions of subpart (D) of this part, or is a
100 contractor of such dealer, and does not offer direct towing or wrecker
101 service to the public or engage in nonconsensual towing or
102 transporting; (2) [any person, firm or corporation] operating as an
103 automobile club or automobile association licensed under section 14-
104 67; (3) [any person, firm or corporation] operating as a motor vehicle
105 recycler licensed under section 14-67l or any contractor of such
106 recycler, provided such recycler or its contractor does not offer direct
107 towing or wrecker service to the public or engage in nonconsensual
108 towing or transporting; (4) [any person, firm or corporation engaged]
109 engaging in the business of repossession of motor vehicles for lending
110 institutions; [or] (5) [any person, firm or corporation] towing motor
111 vehicles owned or leased by such person, firm, association or
112 corporation; (6) towing or transporting motor vehicles for hire, with
113 the appropriate operating authority as defined in 49 CFR 390.5, as
114 amended from time to time, provided such person, firm, corporation
115 or association does not offer direct towing or wrecker service to the
116 public or engage in nonconsensual towing or transporting; or (7)
117 towing motor vehicles to or from an auction conducted by a dealer

118 licensed under the provisions of subpart (D) of this part, provided
119 such person, firm, corporation or association does not offer direct
120 towing or wrecker service to the public or engage in nonconsensual
121 towing or transporting.

122 (g) For the purposes of this section, "nonconsensual towing or
123 transporting" means the towing or transporting of a motor vehicle in
124 accordance with the provisions of section 14-145 or for which
125 arrangements are made by order of a law enforcement officer or traffic
126 authority, as defined in section 14-297.

127 (h) Any person, firm, corporation or association that violates the
128 provisions of this section shall, for a first offense, be deemed to have
129 committed an infraction and be fined not less than two hundred
130 dollars, and for a second or subsequent offense, shall be fined not less
131 than three hundred dollars."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	14-66